

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK-----X
DAWN DAVIS,

Plaintiff,

-against-

COSTCO WHOLESALE CORP., et al.,

Defendants.
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22-CV-7161 (VSB)

ORDERVERNON S. BRODERICK, United States District Judge:

On April 6, 2022, Plaintiff filed this action against Defendants Costco Wholesale Corp. and Tiago Holdings, LLC in the Supreme Court of the State of New York, County of New York. (*See* Doc. 1 ¶ 3.) On August 22, 2022, Defendant Costco Wholesale Corp. filed a notice of removal pursuant to 28 U.S.C. §§ 1332, 1441 and 1446. (Doc. 1.) Defendant Costco Wholesale Corp. alleged that Defendant Tiago Holdings, LLC “is not a proper party to the action,” and that Plaintiff “fraudulently joined” Tiago Holdings, LLC “in order to defeat diversity of citizenship when Tiago has no connection to the claimed incident at issue.” (*Id.* ¶ 1.) Defendant Costco Wholesale Corp. served a copy of the notice on Plaintiff the same day. (*See id.*) Plaintiff’s deadline to move to remand the case was September 21, 2022. *See* 28 U.S.C. § 1447(c). Plaintiff did not move to remand. Defendant Costco Wholesale Corp.’s deadline to answer was August 29, 2022. *See* Fed. R. Civ. P. 81(c)(2). Defendant Costco Wholesale Corp. has not answered, and Defendant Tiago Holdings, LLC has not appeared. Plaintiff, however, has taken no action to prosecute this case.

Accordingly, if Plaintiff intends to seek a default judgment, she directed to do so in accordance with Rule 4(H) of my Individual Rules and Practices in Civil Cases by no later than

September 30, 2022. If Plaintiff fails to do so or otherwise demonstrate that she intends to prosecute this litigation, I may dismiss this case for failure to prosecute pursuant to Federal Rule of Civil Procedure 41(b).

SO ORDERED.

Dated: September 23, 2022
New York, New York

A handwritten signature in black ink, reading "Vernon Broderick". The signature is written in a cursive, flowing style. The first letter "V" is large and prominent. The signature is positioned above a horizontal line.

VERNON S. BRODERICK
United States District Judge